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November 15, 2024

The Honorable Margaret M. Garnett
United States District Court
Foley Square
New York, NY 10007

**Re: Grand Associates, LLC, v. 4D Sight, Inc.
24 Civ. 03258 (MMG)**

Dear Judge Garnett:

The undersigned is counsel to plaintiff Grand Associates, LLC and this letter is written pursuant to a communication received from Ms. Kate Ghobi on this date regarding the defendant's motion to dismiss the plaintiff's amended complaint filed October 16, 2024 (motion, Doc. No.'s 53, 54, amended complaint Doc. No. 56). After filing the amended complaint defendant filed a supplemental motion on October 30, 2024 (Doc. No.'s 57 & 58).

Pursuant to the Bench's Rules, *Motion to Dismiss*, at p. 10, plaintiff it seems was under the mistaken impression that after filing the amended complaint it cannot oppose defendant's supplemental motion. Having received the Court's notice, plaintiff would like to oppose the supplemental motion and if necessary file a second amended complaint and is prepared to do so on or before December 2, 2024, with a reply to the opposition due by December 17, 2024. The defendant objects to the filing of a second amended complaint.

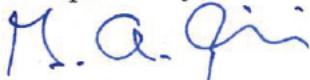
The parties have conferred regarding these dates prior to the submission of this letter.

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I thank the Court for considering this request and if the Court has any questions I am available to answer them.

Respectfully,



Gregory A. Sioris

GRANTED. Plaintiff's deadline to respond to Defendant's supplemental motion to dismiss is hereby EXTENDED until **December 2, 2024**, and Defendant's reply deadline is likewise EXTENDED until **December 17, 2024**. Defendant may not file a Second Amended Complaint absent prior leave of Court. See Individual Rule II(B)(6) ("If the defendant chooses to file a new or supplemental motion to dismiss in response to the amended complaint, Plaintiff may not file a second amended complaint without prior leave of Court."). Furthermore, because Defendant chose to file a supplemental motion to dismiss in response to the Amended Complaint, its original motion is DENIED as moot without prejudice. *See id.* ("If the plaintiff chooses to file an amended complaint, the Court will deny the previously-filed motion to dismiss as moot without prejudice[.]"). The Clerk of Court is respectfully directed to terminate Dkt. Nos. 53 and 59.

SO ORDERED. Dated November 18, 2024.



HON. MARGARET M. GARNETT
UNITED STATES DISTRICT JUDGE

cc: all counsel, via ECF